

to public servants who cease to be in office [proposed amendment to section 19] and to omit provision which creates an offence for a *bona fide* action of a public servant which in retrospect can be viewed as being without public interest [omission of section 13(1)(d)(iii)].

**Assessment of equivalence of employees**

†1848. SHRI VISHAMBHAR PRASAD NISHAD:

SHRIMATI CHHAYA VERMA:

CH. SUKHRAM SINGH YADAV:

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that till now the assessment of equivalence of the employees working in Insurance, Banks, Public Enterprises and several other sectors has not been established and thus no checks and balance are there to debar their children from Government jobs while getting the benefits of creamy layer clause;

(b) the sectors having employees where equivalence/analogous status thereof has not been finalised;

(c) whether in the event of non-assessment the employees under creamy layer are left out that leads to a loss to OBC candidates who are otherwise economically backward; and

(d) the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): (a) and (b) It is a fact that evaluation of the equivalent or comparable posts in public sector undertakings, Banks, Insurance Companies, Universities, Private employment *vis-à-vis* Government posts could not be established so far. However, the extant instructions of Department of Personnel and Training dated 8.9.1993 read with instructions of 14.10.2004 provide that till such time the equivalence of comparable posts in such organizations *vis-à-vis* Government posts are established, the criteria of income/wealth test shall apply to determine their creamy layer status.

(c) and (d) The benefit of reservation is not available to the candidates who fall in creamy layer. However, as per the extant instructions, the sons and daughters of persons employed in public sector undertakings, Banks, Insurance Companies, Universities, Private employment etc. having income of upto ₹ 6 lakhs either from salary or from other sources would fall in non-creamy layer and would be eligible to get the benefits of reservation under Other Backward Class (OBC) category.

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† Original notice of the question was received in Hindi.